

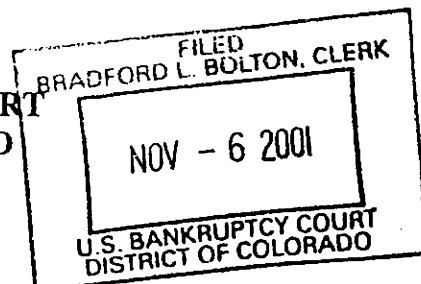
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DEPARTMENT OF
MINING

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO
Bankruptcy Judge Elizabeth E. Brown



In re:)
)
NORTH LILY MINING CO.,)
a Utah Corporation,)
EID # 87-0159350)

Bankruptcy Case No. 01-23068 EEB
Chapter 11

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KUTNER MILLER KEARNS,

Debtor.)
_____)

In re:)
)
XERES TINTIC, LLC,)
EID # 84-1528808,)

Bankruptcy Case No. 01-23069 EEB
Chapter 11

Debtor.)
)

Jointly Administered Under
Bankruptcy Case No. 01-23068 EEB
Chapter 11

CASE MANAGEMENT ORDER NO. 1

THESE CASES are before the Court *sua sponte*. Due to the large number of creditors and other parties in interest in these cases, the Court finds it necessary to implement certain procedures in an attempt to eliminate or reduce unnecessary expense and delay. **This Case Management Order shall supercede the Application to Limit Notice, filed by the Debtor on October 22, 2001.**

Pursuant to 11 U.S.C. §§ 102(1) and 105, Fed.R.Bankr.P. 2002, 7016, 9007 and 9014, and L.B.R. 202, it is hereby **ORDERED** as follows:

I. JOINT ADMINISTRATION

The Debtors filed a motion seeking an order authorizing the joint administration of Case Nos. 01-23068 EEB and 01-23069 EEB. Good cause having been shown, the Court has entered an Order providing that these cases are combined for procedural purposes and shall be administered jointly under Case No. 01-23068 EEB in accordance with the provisions of Bankruptcy Rule 1015 and Local Bankruptcy Rule 115. All docket entries, except for Proofs of Claim, shall be made in the case of North Lily Mining Co., Joint Case No. 01-23068 EEB. A docket entry shall be made by the Clerk of the Bankruptcy Court in Xeres Tintic, LLC, Case No. 01-23069 EEB as follows:

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An order has been entered in this case consolidating this case with North Lily Mining Co., Joint Case No. 01-23068 EEB, for procedural purposes only and providing for its joint administration in accordance with the terms thereof. Hereafter the docket of North Lily Mining Co., Joint Case No. 01-23068 EEB shall be consulted on all matters affecting this Debtor, except that Proofs of Claim shall be docketed and placed in each respective case file.

II. CAPTION

The caption for all pleadings filed in the main case shall be as follows:

In re:)	
)	
NORTH LILY MINING CO.,)	Bankruptcy Case No. 01-23068 EEB
a Utah Corporation,)	Chapter 11
EID # 87-0159350)	
)	___ M.C. No. ___
Debtor.)	
_____)	
In re:)	
)	Bankruptcy Case No. 01-23069 EEB
XERES TINTIC, LLC,)	Chapter 11
EID # 84-1528808,)	
)	Jointly Administered Under
Debtor.)	Bankruptcy Case No. 01-23068 EEB
)	Chapter 11

Should a matter pertain only to a specific Debtor or Debtors, that Debtor's name shall be listed parenthetically under the name on the caption.

III. NOTICING AND SERVICE

1. **Debtors' responsibility to notice.** Pursuant to the authority granted by Fed.R.Bankr.P. 2002(m), it shall be the Debtors' responsibility to give notice by mail to all creditors, indenture trustees, equity security holders and other interested parties as listed on the Comprehensive Service List (see, subpart III.4., below) of (a) the meeting of creditors, (b) the hearing to consider approval of a disclosure statement, and the time fixed for filing objections thereto, (c) the hearing to consider confirmation of a plan, and the time fixed for filing objections thereto, (d) any motion and hearing on the proposed sale of all or substantially all of the Debtors' assets, (e) any motion and hearing on the dismissal or

conversion of these cases to cases under another chapter, and (f) any other notice specifically required by the Court. **It shall also be the continuing responsibility of the Debtors to serve copies of all orders entered by the Court upon all appropriate parties. This service shall be made within one business day following the docketing of said orders and Debtors shall file a Certificate of Service with the Court indicating compliance with this provision.**

2. **Parties to be served.** All filings in these jointly administered cases, unless otherwise ordered by the Court, shall be served upon the entities listed in Attachment A to this Order.
3. **Limited Service List.** The Debtors shall file with the Court and serve on the parties listed in Attachment A no later than **November 15, 2001**, a Limited Service List (LSL) which shall contain the names and addresses of all persons and entities listed in subpart III.2., above. The initial Limited Service List shall be captioned "Limited Service List No. 1, dated ____". The Debtors shall maintain and update the LSL and shall file and serve an updated LSL every Friday, **after consulting an updated mailing matrix so that Debtors are reflecting not only new entries of appearance, but also any new addresses of creditors who file a proof of claim with a different address.** Each updated LSL shall be numbered sequentially and dated. The certificate of service that accompanies every pleading shall state

"It is hereby certified that service has been made by [method of service] this ____ day of ____, on all persons and entities appearing on Limited Service List No. __, dated ____."

The certificate of service shall also indicate the additional parties served (those parties directly affected by the subject motion), with an indication of their relationship or status in connection with the motion. For example, if a motion to assume a lease is filed, the service list must also indicate the affected lessor, with a notation of "lessor" by the name of the person or entity. The actual LSL need not be attached to the pleadings or to the certificate of service. Every certificate of service shall contain a signature block which includes not only a handwritten signature but also a typewritten name, law firm name, if any, attorney registration number, if any, address, telephone number, facsimile number, and e-mail address, if any. The Clerk of the Bankruptcy Court shall maintain the LSL in a separate folder. Unless otherwise ordered by the Court, notices pursuant to Fed.R.Bankr.P. 2002(a)(2), (3) and (6) shall be served on all persons and entities on the LSL.

4. **Comprehensive Service List.** The Debtors shall file with the Court and with a duly-appointed Creditors' Committee, but **SHALL NOT BE REQUIRED TO SERVE ON ANY CREDITORS OR OTHER PARTIES IN INTEREST**, a Comprehensive Service List (CSL) containing the names and addresses of all creditors, equity holders and other

parties in interest. The Clerk of the Bankruptcy Court shall maintain the Comprehensive Service Lists in a separate folder. Notices pursuant to Fed.R.Bankr.P. 2002(a)(1), (a)(4), (a)(5), (a)(7), (b), (d) and (f) shall be served on all persons and entities on the Comprehensive Service List. The CSL shall be updated by the Debtors at least ten days before service of any document required to be served on all parties in interest, **after consulting an updated mailing matrix so that Debtors are reflecting not only new entries of appearance, but also any new addresses of creditors who file a proof of claim with a different address.**

5. **Method of service.** All service shall be made by ordinary U.S. mail or facsimile except in emergency situations when overnight delivery service is necessary or when ordered by the Court.
6. **Service in contested matters and/or adversary proceedings.** All filings in adversary proceedings, and to the extent not inconsistent with subpart III.2., above, any motions directed to specific parties (contested matters), shall be served, pursuant to Fed.R.Bankr.P. 7004, upon all parties having a particularized interest in the subject of the filings or motions. **For example, service on a corporation must be on a named officer or director or a registered agent or other person authorized by law to accept service. Service on insured depository institutions must be by certified mail, on the persons named in Rule 7004(h). Service on governmental entities must be in accordance with Rule 7004(b)(4)-(6). Failure to provide proper service will result in the denial of the motion, filings or the dismissal of the complaint.**
7. **Adequacy of notice.** Notice in accordance with the provisions of this Order shall be deemed adequate pursuant to Fed.R.Bankr.P. 2002 and L.B.R. 202.
8. **Facsimile Filing.** ~~Filing by facsimile transmission is prohibited.~~ Signatures on stipulations, agreements or affidavits may be permitted when time does not permit original signatures to be obtained. However, all documents filed with facsimile signatures must be promptly cured with original signatures when received.

IV. COPIES

Number of copies to be filed. In lieu of the provisions of Local Bankruptcy Rule 101, 102 and 904(d), each original paper (including pleadings, exhibits, memoranda, notices and orders of the Court) filed in these cases and in any adversary proceeding arising in these cases, shall be filed with one (1) copy. The distribution of the copy by the Clerk of the Bankruptcy Court shall be as follows:

- a. Original to Clerk of the Bankruptcy Court for docketing in official case file; and

- b. One copy for the Honorable Elizabeth E. Brown;

If the parties desire to obtain a file-stamped copy for their files, they must provide an additional copy.

V. NON-RESIDENT ATTORNEYS

Any non-resident attorney admitted to the bar of the United States District Court for the District of Colorado pursuant to D.C. Colo. LR 83.5 need not file any application for admission *pro hac vice* and no local counsel is required. These admitted non-resident attorneys shall, however, file a statement with the Court which advises of their admission to the bar of the U.S. District Court for the District of Colorado. Any non-resident attorney **not** admitted to the bar of the U.S. District Court for the District of Colorado must file an application for permission to practice before this Court *pro hac vice*, pursuant to L.B.R. 910. Such applications shall not be set for hearing. The application must disclose the address, telephone number, facsimile number and e-mail address (if any) of the applicant. The portion of L.B.R. 910 requiring a non-resident attorney to associate with an active member of the bar of the District Court for the District of Colorado may be waived for purposes of these cases upon motion with good cause shown, so long as the applicant's location outside Colorado does not impose a burden upon the Court or parties in interest.

VI. MOTIONS, OBJECTIONS OR OTHER RESPONSES, HEARING DATES AND COURT CALENDAR

1. **Scheduling of motions for hearing.** The scheduling of motions, applications, etc., for hearing shall be subject to the Court's discretion. Any motion filed shall set forth adequate factual and legal bases for the relief requested. The notice of motion shall conform to Local Bankruptcy Form 202.1 (Notice), shall contain a short description of the relief requested and the bases on which relief is sought.
2. **Motion control numbers.** Motion control numbers, as provided in L.B.R. 904(c), shall be used in this case.
3. **Page limits.** Absent cause and appropriate Court order, briefs or memoranda accompanying a motion, application, objection or other request shall be succinct and in all events shall be limited to 20 double-spaced pages, or if exhibits, affidavits, or schedules are appended, limited to 30 double-spaced pages inclusive of exhibits, affidavits or schedules.
4. **Proposed orders.** Proposed orders shall be filed with all motions, applications, or other requests for relief, **at the time of the filing of the original motion.** L.B.R. 913(b).

VII. TELEPHONIC HEARINGS

To the extent practicable, a party located outside the Denver metropolitan area, seeking to be heard on any matter, may appear telephonically, providing:

1. The party has timely filed a pleading requesting relief or an opportunity to be heard on a specified issue or matter.
2. The party has made a request, orally or in writing, at least two business days prior to the hearing, to appear by telephone. The request must be made to and authorized by the Judge's Chambers (303-844-4978).
3. No evidence or testimony will be taken by telephone.
4. Participation by telephone for observational purposes only will not be available or authorized.

Parties should be aware that requests to appear telephonically may not be accommodated due to the nature of the hearing, the number of parties wishing to participate telephonically, technical limitations of the system, or other reasons.

VIII. PROOFS OF CLAIM, PROOFS OF INTEREST AND BAR DATE

A bar date for filing proofs of claim and proofs of interest will be set by the Court. Creditors will be notified when the bar date is set and will receive instructions at that time regarding the manner in which to file proofs of claim and proofs of interest. The Court will consider the procedure to be used for claims filing and determination at the time of setting a bar date.

IX. BANKRUPTCY COURT INFORMATION

Address:

United States Bankruptcy Court for the District of Colorado
U.S. Custom House
721 19th Street
Denver, CO 80202-2508

Court Staff:

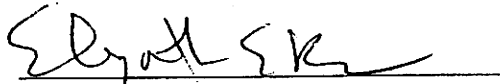
Clerk's Office (303) 844-4045
 Intake Room 116, (303) 844-0236
 Public Records Room 114, (303) 844-0235
Clerk, Brad Bolton Room 117, (303) 844-4045
Judge Brown's Chambers Room 561, (303) 844-4978
 Law Clerk Room 561, (303) 844-6049
 Judicial Assistant Room 561, (303) 844-4978
 Courtroom Deputy Room 184, (303) 844-0217
 Case Administration Specialist ... Room 180, (303) 844-0277
Automated Voice Case Information System (VCIS) .. (303) 844-0267
Public Access to Court Electronic Records (PACER) . (800) 676-6856
Courtroom F email CourtroomF@cob.uscourts.gov

X. MISCELLANEOUS

1. At any time, any party may apply for reconsideration or modification of this Order. Service of such motion shall be to persons and entities on the LSL. The Court may amend this Order, *sua sponte*, as required.
2. Debtor shall mail a copy of this Case Management Order No. 1, and any amendments thereto, to the Limited Service List initially and subsequently to each new party-in-interest which files a notice of appearance and request for service of papers, within two business days of receipt of the entry of appearance.
3. This Order shall continue in effect until modified by further order of the Court.

Dated this ____ day of November, 2001.

BY THE COURT:


Elizabeth E. Brown
United States Bankruptcy Judge

ATTACHMENT A
to Case Management Order No. 1
Bankruptcy Case No. 01-23068 EEB

All filings in these jointly administered cases, unless otherwise ordered by the Court, shall be served on the following entities:

The Debtors, through Debtors' counsel:

Lee M. Kutner, Esq.
Kutner Miller Kearns, P.C.
303 E. 17th Avenue, Suite 500
Denver, CO 80203
Telephone: (303) 832-2400
Facsimile: (303) 832-1510
Attorneys for Debtor

The Office of the United States Trustee:

U.S. Trustee's Office
721 19th Street, #408
Denver, Colorado 80202
Attention: Leo Weiss, Esq.
Telephone: (303) 844-5188
Facsimile: (303) 844-5230

The Official Unsecured Creditors' Committee:

B.L. Berman, Chairman
2111 So. Zephyr
Lakewood, CO 80227
Telephone: (303) 986-6908
Facsimile: (303) 986-6908

Scott Simkins
1200 Renegade Ct., #C
Ft. Collins, CO 80524
Telephone: (970) 407-1160

Andrew DiBattista
50 Compass Lane
Ft. Lauderdale, FL 33308
Telephone: (954) 328-1778

Chase Management and Co.
c/o Nick DeMare
1090 West George St., #1305
Vancouver, BC V6E 3V7
CANADA
Telephone: (604) 685-9316

Gregg Weeder
8823 So. Nightingale Way
Highlands Ranch, CO 80126
Telephone: (303) 791-9575

Evan Wasoff
Wheeler Wassoff
1601 Blake St., #525
Denver, CO 80202
Telephone: (303) 572-8900

All persons or entities filing a notice of appearance and request for service of papers.

The remaining members of the List of Twenty Largest Unsecured Creditors of each Debtor as follows:

Robert Kaufman
RAKG Partners, Inc.
428 Tolland Turnpike
Manchester, CT 06404

John Bowles
Coopers & Lybrand
1111 West Hasting Street, #904
Vancouver, B.C. V6E 3R2

American Express
Suite 0001
Chicago, IL 60679

Utah County Treasurer's Office
100 East Center St., #1200
Provo, UT 84606

Nicky Dozortsev
Sunset Industrial Park
#10-21st Street
Building B-2
Brooklyn, NY 11232

Computershare
P.O. Box 1596
Denver, CO 80201

Paul Ruttum
Ducker, M&L, P.C.
One Civic Center Plaza
1560 Broadway, #1500
Denver, CO 80202

Mark Beeson
Glenarm 1800 LLC
P.O. Box 5332
Denver, CO 80217

Bill Kebe
Corette Pohlman & Kebe
Mayer Building
129 West Park St.
P.O. Box 509
Butte, MT 59703

Patricia M. Ingram
Juab County Treasurer
160 North Main
Nephi, UT 84648

Bearman, Talesnick & Clowdus
1660 Lincoln St., #1900
Denver, CO 80264

Tom Gast
Environmental Management
1413 West 57th Street
Loveland, CO 80538

Van Cott, et al.
50 South Main St., #1600
Salt Lake City, UT 84144

Gemisys
7103 South Revere Parkway
Englewood, CO 80112

Metwest
OCWEN Federal Bank
ATTN: Research
12650 Ingenuity Drive
Orlando, FL 32826

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